

# UNITED STATES BANKRUPTCY COURT

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## Western District Bar Advisory Committee Minutes April 7, 2006

*In attendance: Jean Rolfs, Phil Principe, Brenda Shipley, Charles Tucker, Joyce Babin, Ray Fulmer, Jack Gooding, Bill Clark, and Lee Kuykendall (visitor).*

1. Jean Rolfs reviewed the Summary of Filing Fee Changes effective April 9, 2006

**Chapter 7 filing fee will increase from \$274 to \$299**

**Chapter 13 filing fee will increase from \$189 to \$274**

**Fee to Convert a Chapter 7 to a Chapter 11 will decrease from \$780 to \$755**

**Fee to Convert a Chapter 13 to a Chapter 11 will decrease from \$850 to \$765**

All other fees remain unaffected at this time. A complete, updated filing fee schedule can be found on our website at [www.arb.uscourts.gov](http://www.arb.uscourts.gov).

2. Jean Rolfs reviewed the Reduced Paperwork Module (RPM).

On December 1, 2005, an amendment of Bankruptcy Rule 9036 went into effect eliminating the requirement for bankruptcy courts to obtain electronic confirmation when an e-notice has been received (many e-mail providers didn't provide this capability). Since this requirement has been removed, we now have the ability to truly notice ECF users via electronic means only. Courts now have the ability to remove registered ECF e-mail recipients from the BNC mailing list, so that user's sole method of receiving notices from the court can now be through ECF e-mail. Although we were given this new ECF module in Version 2.7, we have not activated this module yet in Arkansas.

In effect, the change allows ECF users to stop receiving redundant BNC paper notices. With RPM, the "Notice of the First Meeting of Creditors" will continue to be sent by the BNC through the mail, as well as by e-mail, as this notice provides parties with the debtor(s)' complete social security number. The additional redundant notice provided in paper through the BNC for all other notices would be eliminated. The advantage to the bar is stopping redundant notification on docket entries (currently an e-mail notification is sent with a mailed follow-up paper notification).

During the ECF registration process all ECF users sign a registration form which states, "Registration shall constitute a request and an agreement to receive service of pleadings and other papers electronically pursuant to FRBP 9036, where service of pleadings and other papers is otherwise permitted by first class mail, postage prepaid."

**Decision:** The Committee agreed unanimously for the implementation of the RPM Module. The committee recommended implementation by the end of May and also recommended that a notice be sent to all ECF users two weeks before the change.

**NOTE:** The Eastern District Bar Advisory requested that this be put “on hold,” so implementation is delayed.

3. De-cluttering the docket: Steps taken within the Clerk’s office to unclutter the docket were presented to the Committee.
  - A. No Corrective Entry List: The committee reviewed the items that the Clerk’s office will no longer make corrective entries on in the docket.
  - B. Order Regarding Deficiencies Example: The Committee unanimously preferred the shorter entry on the example provided.
4. Jack Gooding said the biggest complaint is with the cluttered docket. Lee Kuykendall suggested a seminar on correct linking and de-cluttering – maybe even offer CLE credit. The committee then discussed what items attorneys can link less often and ways to de-clutter the docket.
5. Lee Kuykendall, Bill Clark and Jack Gooding requested a way to get the “preferred addresses” that are registered with BNC.

**Answer:** The Clerk’s office is checking with BNC, but so far we don’t see a solution.
6. Chuck Tucker asked the attorneys about the lead time for credit counseling and how the process is working. Lee Kuykendall received good results with Green Path because the certificate can be obtained in 30 minutes. Lee reported that CCOA has too much lag time. Jack Gooding reported good results with Green Path, and he didn’t like the lag time with CCOA.
7. Chuck Tucker reported that at the end of this year/first of next year, random DOJ Debtor Audits will begin (desk audit).
8. Bill Clark said that sometimes in ECF when the attorneys print orders, the printed copy doesn’t always show the judge’s signature.

**Solution:** Select the “print with comments” option.
9. Bill Clark said the biggest problem on ECF is when the paralegals try to find certain events in ECF they are difficult to find. Bill asked the Clerk’s office to look at Oklahoma-Northern’s ECF events – he said they have tremendous events.
10. Ray Fulmer asked that if a Debtor calls the Clerk’s office and reports their attorney isn’t returning calls, to stop sending those calls to the Trustee’s office. (Fayetteville office.) He said he’s also receiving creditor calls regarding case status and he refers them to the Clerk’s office or PACER. He thinks he’s getting referrals from the Bankruptcy Clerk’s office. He said the Clerk’s office should refer people to PACER.
11. Bill Clark noted that Trustee’s First Meetings in Fayetteville and Harrison as well as a Fayetteville District day were scheduled during spring break. He requested that in the future First Meetings and Divisional Days not be scheduled during spring break.
12. The next Western Advisory Board meeting is scheduled for September 28 at 4:00 pm in the Little Rock Bankruptcy Courthouse. Dinner will follow at Acadia or Brave New Restaurant.